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*Counsel for Highland CLO Funding, Ltd.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**CHARITABLE DAF FUND, L.P.,  
and CLO HOLDCO, LTD.,  
*directly and derivatively,***

**PLAINTIFFS,**

**V.**

**HIGHLAND CAPITAL MANAGEMENT,  
L.P., HIGHLAND HCF ADVISOR, LTD.,  
and HIGHLAND CLO FUNDING, LTD.,  
Nominally,**

**DEFENDANTS.**

**Case No. 3:21-cv-00842-b**

**HIGHLAND CLO FUNDING, LTD.'S  
MOTION TO DISMISS AND JOINDER IN MOTION TO DISMISS  
OF HIGHLAND CAPITAL MANAGEMENT, L.P.**

Highland CLO Funding, Ltd. (“HCLOF”) moves to dismiss the complaint of plaintiffs Charitable DAF Fund, L.P. (“DAF”) and CLO Holdco, Ltd. (“CLO Holdco,” and with DAF, “Plaintiffs”) [ECF No. 1] (the “Complaint”) as against HCLOF, and joins in the motion of Highland Capital Management, L.P. (“HCM”) to dismiss this case [Docket No. 26] (the “HCM

Motion to Dismiss”).

### **RELIEF REQUESTED**

1. HCLOF requests that this Court issue the proposed form of order attached to this Motion as Exhibit A pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. For the reasons that are more fully set forth in HCLOF’s Brief in Support of Motion to Dismiss and Joinder in Motion to Dismiss of Highland Capital Management, L.P., filed contemporaneously herewith, HCLOF respectfully requests that the Court (a) dismiss the Complaint as against HCLOF, and (b) grant HCLOF such other and further relief as is just.

2. Subject to and without waiver of its personal jurisdiction defense, HCLOF also joins in the HCM Motion to Dismiss and HCM’s related filings with the Court, and incorporates the arguments, evidence and authorities herein as if fully set forth in this motion.

### **CONCLUSION**

For the foregoing reasons, HCLOF respectfully requests that the Court (i) enter the proposed order substantially in the form attached as Exhibit A, and (ii) grant HCLOF such other and further relief as is just.

Dated: August 30, 2021

Respectfully submitted,

**KING & SPALDING LLP**

/s/ Paul R. Bessette

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***Counsel for Highland CLO Funding, Ltd.***

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served electronically by the Court's ECF system on August 30, 2021.

/s/ Paul R. Bessette

Paul R. Bessette